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6 *Attorneys for Defendant Michael Mendoza, Inc.*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 STOP FRANCHISING SPE LLC, a Delaware
10 limited liability company,

11 Plaintiff,

12 v.

13 MICHAEL MENDOZA, INC, a Nevada
corporation; and DOES 1 THROUGH 10,

14 Defendant.

15 MICHAEL MENDOZA, INC, a Nevada
16 corporation,

17 Counterclaimant,

18 STOP FRANCHISING SPE LLC, a Delaware
limited liability company,

19 Counterdefendant.

CASE NO.: 2:22-cv-01471-GMN-BNW

STIPULATION AND ORDER TO ALLOW
COUNTERCLAIMANT TO FILE AN
AMENDED COUNTERCLAIM
PURSUANT TO FRCP 15(a)(2)

21 Plaintiff and Counterdefendant, STOP FRANCHISING SPE LLC (“Plaintiff”) and Defendant
22 and Counterclaimant, MICHAEL MENDOZA, INC. (“Defendant” or “Mendoza Inc.”) (collectively,
23 the “Parties”), by and through their undersigned counsel of record, for good cause shown, hereby
24 stipulate, pursuant to FRCP 15(a)(2), to allow Defendant to file an Amended Counterclaim, as set
25 forth below.

26 1. Plaintiff filed its First Amended Complaint (“FAC”) against Defendant Michael
27 Mendoza, Inc. and Michael Mendoza on October 10, 2022 (ECF No. 23).

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1 2. Mendoza Inc. filed its Answer to the FAC and Counterclaim on October 24, 2022 (ECF
2 No. 31).

3 3. The Court adopted the Parties' Joint Discovery Plan and issued its Scheduling Order on
4 November 30, 2022 (ECF No. 35). The Scheduling Order set January 24, 2023 as the deadline to add
5 parties or amend pleadings.

6 4. Now, Mendoza Inc. seeks to file an amended counterclaim to add additional factual
7 allegations, as set forth in **Exhibit A** hereto (redline version) and **Exhibit B** (clean version), in
8 accordance with LR 15-1.

9 5. Mendoza Inc.'s proposed amended counterclaim is timely submitted in accordance with
10 the Scheduling Order. As such, and based on FRCP 15(a)(2)'s directive that leave should be freely
11 given, Plaintiff has no objection to the filing thereof, and consents to the same.

12 6. The request to file an Amended Counterclaim is not intended to cause any undue delay
13 or prejudice to any party and is not made for an improper purpose.

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1 7. Assuming the Court signs this Order, the Parties consent to the filing of Exhibit B.

2 DATED this 24th day of January, 2023.

3 **MORTENSON TAGGART ADAMS LLP**

4 */s/ Kevin A. Adams*

5 By: _____

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application forthcoming)
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14 *Attorneys for Plaintiff*

1 DATED this 24th day of January, 2023.

2 **WILEY PETERSEN**

3 By: _____

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5 *Attorneys for Defendant*

16 **ORDER**

17 IT IS ORDERED that ECF No. 42 is GRANTED.

18 IT IS FURTHER ORDERED that the Clerk of Court shall detach and
separately file Ex. B.

19 IT IS SO ORDERED

20 DATED: 1:56 pm, January 25, 2023

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BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE